

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Thirty-Eight

Agenda

January 26, 2021

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, January 26, 2021 at 4:30 P.M. at the office of the Authority, 340 West Water Street, Toms River, New Jersey 08753.

The Following were present or were on conference call (as directed by NJ Governor's Executive Order #107 due to COVID19):

- Carmen J. Memoli, Chairman – conference room
- Tariq M. Siddiqui, Vice-Chairman – conference line
- Deborah L. Clement, Commissioner – conference room
- Charles S. Valvano, Commissioner – conference room
- Ben A. Montenegro, Commissioner – conference room
- Joseph G. Bilotta, Alt. Commissioner – conference room
- Dr. Alfonso J. Manforti, Alt. Commissioner – conference room
- Robert J. DiBiase, Executive Director/Sec'y.-Treas. – conference room
- Joseph D. Coronato, Esquire, Counsel – conference room
- Rosemary Rosetto, Chief Financial Officer – conference room
- Nicholas Otten, Authority Engineer – conference room
- Bernard Rutkowski, Regulatory Compliance/Safety Officer – conference room
- Cindy Toye, Administrative Bookkeeping Specialist - conference line

Meeting #1238 was called to order at 4:30 p.m., January 26, 2021 by Chairman Memoli.

Mrs. Toye, Administrative Bookkeeping Specialist, reported that in accordance with the Open Public Meetings Law, P. L. 1975, c. 231, notice of this meeting was posted on the Township Bulletin Board, the Authority Bulletin Board, filed with the Clerk's Office and published in the Asbury Park Press.

Mrs. Toye called the roll. Dr. Manforti, Mr. Bilotta, Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Siddiqui, and Mr. Memoli were present.

Minutes of Meetings for Approval

A. Meeting #1237 - December 15, 2020 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the minutes of Meeting #1237 December 15, 2020. A roll call vote was taken with Mrs. Clement Mr. Valvano, Mr. Montenegro, and Mr. Memoli all casting affirmative votes. Mr. Siddiqui abstained as he was not present at the last meeting. Mr. Memoli asked about the last few Executive Session meeting minutes that have not

have been voted on. Mrs. Toye stated she sent them to Mr. Coronado for approval. Mr. Coronado said he is recommending not voting on them yet as he is doing research on the approach to memorializing Executive Session minutes.

Disbursements

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to approve payment of the disbursements as listed in the amount of \$744,968.22. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui all casting affirmative votes. Mr. Memoli voted yes with the exception to Dynamic Testing Services, LLC.

Additional Disbursements

A motion was made by Mr. Valvano and seconded by Mrs. Clement to approve additional disbursements in the amount of \$915.27. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Trust Funds for Contracts

A motion was made by Mrs. Clement and seconded by Mr. Valvano to release from the Trust Fund for Contracts. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Financial Reports

A motion was made by Mrs. Clement and seconded by Mr. Valvano to enter the financial reports 6A-6F into the record. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Finance & Investments: 6G

Mr. Valvano reported that after meeting with Rosemary Rosetto, he is concerned that employees are having technology issues with Edmunds and hopefully we can hire an IT Manager soon. Mr. Valvano stated that Rosemary reported that ratepayers are walking up to the drive-thru which is a hazard and the billing department has been reminding ratepayers to stay in their vehicles. Mr. Valvano made a motion seconded by Mrs. Clement to reinvest \$43,511.51 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

A motion was made by Mr. Valvano and seconded by Mrs. Clement approving \$379,800.00 to be reserved for capital expenditures from previous years to calendar year 2021. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Operating Reports

Mr. Memoli noted that report 7A is not included in the packet. Mrs. Toye reported that it is missing due to the absence of the Field Operations Secretary. Mr. Siddiqui noted that the individual Foremen's

reports are at the end of the Engineering Report. Mr. Rutkowski remarked that the Field Ops Secretary usually compiles the data into one report. A motion was made by Mr. Siddiqui and seconded by Mr. Montenegro that the operating reports 7B-7G were accepted as presented. A roll call vote was taken with Mr. Siddiqui, Mr. Montenegro, Mr. Valvano, Mrs. Clement and Mr. Memoli all casting affirmative votes.

Development Applications-Major Sub Divisions

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve applicant Briad Development LLC's development D-1059 with Mrs. Clement, Mr. Siddiqui, Mr. Valvano, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Authority Meeting

The next Authority meeting is scheduled for Tuesday, February 23, 2021 at 4:30 p.m. in the TRMUA Conference Room according to social distancing.

Adoption of Resolutions/Capital Purchases

9A-2A - There were no IPC Purchases for Ratification

9B – Unfinished Business

Mr. Rutkowski reported he and Nick Otten had met with a contractor under the county co-op for HVAC system and that it would be approximately \$315,000 plus an additional \$98,000. Mr. Siddiqui reported that he would like to meet with an engineer for guidance to find the best system. He has a contact through the OCUA that will meet with him and the staff for free to review the proposal and give guidance.

Committee Reports

Legal

Mr. Coronato noted that he has been in contact with Berkeley Sewerage Authority and they are still working on an agreement. Mr. Coronato mentioned that there are a couple of lawsuits regarding foreclosures, but liens are attached to the property not to an individual. There was also a lawsuit dealing with interest rates being charged by the Authority. The initial findings are the firm used inaccurate calculations in the lawsuit but Holman's office would be working on that for the TRMUA. Mr. Rutkowski confirmed that the auditor agreed that the calculation used in the lawsuit were incorrect. Mr. Coronado said he was likely going to file a motion to dismiss but will keep the Authority updated.

Engineering

Mr. Siddiqui reported that we will get a refund from the OCUA around \$400,000 due to rehab on the pipes lowering the flows.

Land Use

None at this time.

Personnel

The Family First Coronavirus Response Act which allowed employees up to 80 hours of paid time off for exposure to COVID-19 or sick with COVID-19 expired on December 31, 2020. During the pandemic, the Personnel committee agrees with the employees who brought this to our attention who think it would be prudent to extend the paid time off policy until March 31, 2021. If there is abuse of the policy, we will have to revisit this situation. Mrs. Toye reported we have not had abuse in the past with this policy. Mr. Coronado reported that the employers still receive the tax credit but the employees don't receive the time off. The recommendation would be to extend the policy. There was discussion about tests rapid vs PCR tests. Mrs. Clement stated we should revisit this in March. Mr. Valvano agreed and Mr. Coronado agreed. A motion was made by Mr. Valvano and seconded by Mr. Montenegro. A roll call vote was taken with Mr. Valvano, Mr. Montenegro, Mrs. Clement, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Regionalization

None.

Technology

Mr. Memoli stated that we received 12 resumes for the IT Manager position and Bernie and Nick are working on finding the top six candidates and after the hiring of the Executive Director, the Personnel Committee will conduct interviews.

Public Comments

Seeing no public comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

None at this time.

Resolution to Enter Executive Session

A motion was made by Mr. Montenegro and seconded by Mrs. Clement to adopt the resolution to enter Executive Session at 5:26 p.m. to discuss personnel matters, litigation/potential litigation and contractual matters. The motion was carried by unanimous voice vote.

Public Session Reconvened at 7:15 p.m.

A motion was made by Mr. Valvano and seconded by Mrs. Clement to post the position of Executive Assistant to the TRMUA bulletin board for seven days. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

A motion was made by Mr. Valvano and seconded by Mrs. Clement for the hiring of Bernard Rutkowski for the position of Executive Director with a starting salary of \$135,000.00 for a three year contract with a 3% raise in February of 2022 and February of 2023 and five weeks' vacation and a 40 hour workweek. Mr. Valvano stated Mr. Rutkowski will remain on as QPA for no additional compensation and will receive no additional compensation when he gets his C4 license. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Adjournment

With no further business to come before the Board, a motion was made by Mr. Valvano and seconded by Mrs. Clement to adjourn the meeting at 7:23 p.m. The motion was carried by a unanimous voice vote.